

SUPREME

HIPPOLYTE

CHARLES

IN ERROR TO THIS

(17,734.)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1900.

No. 263.

HIPPOLITE FILHIOL ET AL., PLAINTIFFS IN ERROR,

*vs.*CHARLES E. MAURICE, CHARLES G. CONVERS, AND
WILLIAM G. MAURICE.IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR
THE EASTERN DISTRICT OF ARKANSAS.

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a UNITED STATES OF AMERICA, ss:

The President of the United States of America to the honorable the judge of the circuit court of the United States for the eastern district of Arkansas, Greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said circuit court, before you, between Hippolite Filhiol *et al.*, plaintiffs, against Charles E. Maurice, Charles G. Convers, and William G. Maurice, defendants, a manifest error hath happened, to the great damage of the said Hippolite Filhiol and others, as by their complaint appears, we, being willing that error, if any hath been, should be duly corrected and full and speedy justice done the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington, on the second Monday of October next, in the said Supreme Court to be then and there held, that, the records and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error what of right and according to the laws and custom of the United States ought to be done.

The Seal of the Circuit Court of East. Dist. Ark., Western Division, U. S. A.

Witness the Honorable Melville W. Fuller, Chief Justice of the Supreme Court of the United States, this 6th day of March, in the year of our Lord one thousand nine hundred, and of the Independence of the United States the one hundred and twenty-fourth.

W. P. FEILD,

*Clerk of the Circuit Court of the United States of America
for the Western Division, Eastern District of Arkansas.*

Allowed by—

JNO. A. WILLIAMS.

Service of this writ acknowledged.

JACOB TRIEBER,
U. S. Attorney, Attorney for Defendants.

1 Be it remembered that on the ninth day of October, 1899, came into the office of the clerk of the circuit court of the United States for the western division of the eastern district of Arkansas Hippolite Filhiol, Francis J. Watts, Harriett L. Watkins, Hattie S. Burch, Rowland M. Filhiol, Jerome Bres, Benedette H. Bres, James L. Sanford, Julia M. Watts, Mary A. Watts, Hardy H. Filhiol, Hippolite Bres, Alberta D. Sanford, Mrs. Ellen M. Coates, Andre A. Rowland, Julia M. Dabbs, Louis St. Claire Horton, and Eugene and Cecil Muse, by their mother and next friend, all residents of the State of Louisiana; Frank C. Bres, Ferdinand A. Fenner, Blanch F. Power, Robert W. Fenner, and Margaret A. Horton Campbell, all residents of the State of Texas; Lizzie S. Cochran and

Robert R. Sanford, residents of the State of Illinois; Ellen M. Parker, resident of the State of California; George B. Muse and Mary L. Muse, residents of the State of Minnesota; Malvina R. Muse Bowman, resident of the State of Wisconsin; Bessie Muse, resident of the State of Iowa; James Fort Muse, resident of the State of Oregon; Mary E. Behen, resident of the State of Missouri; Alice F. South, resident of Mexico; Victoria A. Horton Bartolomew, Frederick Horton, and Joseph E. J. Muse, residence unknown, by W. S. and F. L. McCain, Esqs., their attorneys, and filed therein on the law side of said court their complaint and exhibits against Charles E. Maurice, Charles G. Convers, and William G. Maurice; which complaint and exhibits is in the words and figures following, to wit:

2 In the Circuit Court of the United States for the Western Division of the Eastern District of Arkansas.

HIPPOLITE FILHIOL, FRANCIS J. WATTS, Harriet L. Watkins, Hattie S. Burch, Rowland M. Filhiol, Jerome Bres, Benedette H. Bres, James L. Sanford, Julie M. Watts, Mary A. Watts, Hardy H. Filhiol, Hippolite Bres, Alberta D. Sanford, Mrs. Ellen M. Coates, Andre A. Rowland, Julia M. Dabbs, Louis St. Claire Horton, and Eugene and Cecil Muse, by Their Mother and Next Friend, All Residents of the State of Louisiana; Frank C. Bres, Ferdinand A. Fenner, Blanche F. Power, Robert W. Fenner, and Margaret A. Horton Campbell, All Residents of the State of Texas; Lizzie S. Cochran and Robert R. Sanford, Residents of the State of Mississippi; Mary A. Bres, Resident of the State of Illinois; Ellen M. Parker, Resident of the State of California; George B. Muse and Mary L. Muse, Residents of the State of Minnesota; Malvina R. Muse Bowman, Resident of the State of Wisconsin; Bessie Muse, Resident of the State of Iowa; James Fort Muse, Resident of the State of Oregon; Mary E. Behen, Resident of the State of Missouri; Alice F. South, Resident of Mexico, and Victoria A. Horton Bartholomew, Frederick Horton, and Joseph E. J. Muse, Residence Unknown, Plaintiffs,

vs.

CHARLES E. MAURICE, CHARLES G. CONVERS, and William G. Maurice, Defendants.

Complaint at Law.

The plaintiffs state that in the year A. D. 1821 Don Juan Filhiol, who was then a citizen and resident of the State of Louisiana, died

5153. In Ejectment.

intestate, and the plaintiffs herein are his descendants and his only
descendants and heirs, and each and every one of said Fil-
3 hoil's descendants who are dead died intestate—at least so
far as the lands hereinafter described are concerned; that
said Filhiol was born in the year 1740 and settled in Louisiana in
the year 1779, and was appointed, in the year 1783, by the King of
Spain a captain in the latter's army and commandant of the militia
and assigned to duty at the post of Ouachita, Louisiana, under Don
Estevan Miro, the governor general of the provence of Louisiana;
that on December 12th, 1787, said Don Juan Filhoil memorialized
the governor of the province of Louisiana and West Florida for a
grant of land, whereon the governor ordered the land applied for to be
surveyed, and thereafter and before the 22nd day of February, 1788,
Don Carlos Trudeau, the then surveyor general of the province of Lou-
isiana, made a survey of said land in accordance with the law then ex-
isting and made a report thereof, with figurative plan and procès
verbal in due form, in and by which land was described as follows, to
wit: A tract of land with a front of eighty-four arpens and a depth of
forty-two arpens on each side of the stream called "La Source d'eau
Claude," about two leagues distant from its entrance into the Ou-
achita, having the Hot springs for its center, its limits extending in
parallel lines east and west to its full depth and bounded on both
sides by land belonging to the Crown, said survey, figurative plan,
and process verbal having been lost or destroyed and cannot be
produced by plaintiff; and on February 22nd, 1788, the said Don
Estevan Miro, as governor of said province, did make and deliver
to the said Don Juan Filhoil a grant for a certain league of land, a
description of which grant and the land granted is hereinafter more
fully described.

That said grant of land was made to their said ancestor, Don
4 Juan Filhiol, while he was acting as commandant of the
post of Ouachita, as a reward for his civil and military serv-
ices in his capacity of commandant of that then important post;
that the said Don Estevan Miro, in his capacity as governor general
of Louisiana, was by the Spanish colonial laws vested with power to
make grants of land and convey by said grants the absolute fee-
simples to the land thus granted; that said land so granted by the
said Don Estevan Miro, as governor, on the 22 day of February, 1788,
to the said Don Juan Filhoil consisted of a certain one square league
of land with the hot springs, at the city of Hot Springs, in said
county and State aforesaid, as the center of said league, the descrip-
tion, metes, and bounds of which league of land are more fully and
accurately measured and described in said survey, figurative plan,
and process verbal of the said Don Carlos Trudeau, hereinbefore
mentioned; said grant embraced the land in controversy hereinafter
described; said grant is in the Spanish language, but when trans-
lated into the English language is as follows:

From the land archives.

The governor and intendant of the Province of Louisiana and West Florida and inspector of troops, etc.

Having examined the proceedings had (or acts done) by the surveyor of this province, Don Carlos Trudeau, concerning the possession which he has given to Senior Don Juan Filhiol Commandant of the post of Ouachita of a tract of land of one league square situated in the district of Arcansas on the north side of the river Ou-chita, at about two leagues and a half distance from the said River Ou-chita, and understanding that this land is to be measured so as to include the site or locality known by the name of hot waters as is besides expressed by the figurative plan and certificate of the said surveyor Trudeau above named, and recognizing the same in conformity to the order of survey, we approve those surveys using the faculty, which the King has vested in us, and we grant in his Royal name unto the said Juan Filhiol the said league of land in order that he may dispose of the same and the usufruct thereof as his own.

We give these presents under our own hand, sealed with the seal of our own arms and attested by the undersigned secretary of his

Majesty in this government and intendance.

5 In New Orleans in the 22nd day of February, 1788.

[L. S.] (Signed) ESTEVAN MIRO.

By mandate of His Excellency.

(Signed) ANDRES LOPEZ ARMISTO.

Registered.

That after the making and delivering of said grant to the said Don Juan Filhiol by the said Miro, as governor of said province, as aforesaid, to wit, on the 6th day of December, 1788, one Carlos Trudeau, who was then land and particular surveyor of the province of Louisiana, made, executed, and delivered a certificate of measurement of said grant of land to the said Don Juan Filhiol, which certificate of measurement so made and delivered is in the Spanish language, but which, when translated into the English language, is as follows, to wit:

Don Carlos Trudeau, land and particular surveyor of the province of Louisiana, in consequence of a memorial signed on the 12th, day of December, in the year 1787, by Don Juan Filhiol, Commandant of the post of Ou-chita, and by order of his excellency Don Estevan Miro, Brigadier of the R. ex. gob., intendant of the province of Louisiana West Florida etc., dated the 22nd. of February 1788, directing me to give possession to the aforesaid Commandant of a tract of land of one league square, situated in the District of Arkansas to include that spot known by the name of the Warm Waters, and in conformity with the aforesaid order, I certify having measured in favor of the aforesaid Commandant, Don Juan Filhiol, the league of land indicated in the memorial situated on the north side of the Ou-chita river in the district of Arkansas, at about two leagues and a half distant from said river to be verified by the figurative plan which

accompanies in conformity with — of the 6th of the present month of December and of the current year 1788:

(Signed)

CARLOS TRUDEAU.

That the making and delivering of said certificate by the said Trudeau was a delivery of the judicial possession of said land, and had the force and effect of segregating said tract from the public domain, and with the grant aforesaid vested full and complete title thereto in the said grantee.

6 Said plaintiffs further state that the said Don Juan Filhiol, their said ancestor, did sell and convey by deed the said league of land described herein to his son-in-law, Narciso Bourgeat, on the 25th day of November, 1803; that said deed from said Don Juan Filhiol to the said Narciso Bourgeat was passed before Don Vinciente Fernandez Texeir, lieutenant of the regiment of infantry and military and civil commandant of the district and jurisdiction of Ou-chita, which deed was witnessed by Senor Baron d'Bastrophe and Don Jose Pomet, who signed the act in the presence of Don Alex. Breard and Don Carlos Bettin, all of whom were principal men in Ou-chita at the date thereof; that said deed from said Don Juan Filhiol to the said Narcissi Bourgeat is in the Spanish language, but which when translated in the English language is as follows, to wit:

Be it known to all to whom this act may come, that I Don Juan Filhiol, Captain in the Army, Commandant of the militia of this district, do authenticate that I really and effectually do sell to Narciso Bourgeat, my son-in-law and resident of this district, a tract of land with a front of eighty-four arpents, and a depth of forty-two arpents on each side of the stream called "La Source d'eau Chaude" about two leagues distance from its entrance into the Ou-chita, having the hot springs for its center; its limits extending in parallel lines east and west to its full depth, and bounded on both sides by lands belonging to the Crown the same which belongs to me by virtue of a grant obtained from Senor Don Estevan Miro then governor of these provinces, dated the 12th day of December, 1787. I sell the same to the above-named Bourgeat with all its ways of entrance and exits, uses, stated customes and servitude, free from all charge and mortgage, for the price of One thousand two hundred Dollars, good money which he has paid me in cash, for which sum I acknowledge the receipt, and to obviate the actual receipt thereof at this moment, I renounce the exception of numerata pecunia and do formerly authenticate that I receive it; wherefore I abandon and relinquish all title, possession use, dominion of seign-ory I may have had, or held in and to said tract of land, and do grant unto and renounce in favor of, and transfer to this purchaser all of such title and rights thereto, and in whom such a right and title may be, that he may possess, sell, exchange, alienate, according to his own wish, and set forth in this writing which I pass in his favor, in testimony of real

7 delivery of said property, so that it may be seen and understood that he acquires possession thereof without any other proof of which he is hereby relieved, and to secure him against

eviction and to insure the reality and perfection of this sale, I hereby affect and obligate thereto all the property I now have, or may hereafter have, and do hereby insert the clause of full guaranty, and do renounce all laws in my favor in general and in particular and being present at the passing of this act, I, the above-named Narciso Bourgeat, accept the same, acknowledging to have purchased the said land in quantity and shape as herein sold to me, and which I accept as a delivery and formally acknowledge the possession, in testimony of which this deed is passed, in the district of Ou-chita on the 25th day of the month of November one thousand eight hundred and three.

I, Don Vincente Fernandez Texeir, lieutenant of the regiment of infantry of Louisiana and military and civil commander of this district and jurisdiction, certify that I know the contracting parties hereto, which act is affirmed by Senor Baron de Bastrop and Don Jose Pomet, who are present assisting, in the presence of Don Alexander Breard, Don Carlos Bettin and Don Francisco Cavet all of whom are residents of this district.

The interlineation Cavet is part of this act and the erasure Bettin is not.

JUAN FILHIOL.
NARCISSO BOURGEAT.

Done within my jurisdiction.

VINCENTE FERNANDEZ TEXEIR.

BARON DE BASTROP.
J'E POMET.

Which deed was immediately thereafter duly reported in the proper office of the province of Louisiana, in accordance with the law then existing, and was afterwards duly recorded in said office.

Copies of said deed and the deed of retrocession from said Bourgeat to said Filhiol, hereinafter mentioned, in the original Spanish and French languages, properly certified by the officers in charge of them, attached thereto and endorsed thereon, are herewith filed, marked respectively Exhibits X and Z, the originals being still kept on file as required by law.

That the said Narciso Bourgeat retroceded the same lands sold to him, as aforesaid, by the said Don Juan Filhiol to the said Don Juan Filhiol by a deed passed before J. Poydras, judge of the court of the parish of Pointe Coupee, July 17th, 1806; that their said ancestors, Don Juan Filhiol, never thereafter parted with his title to said land.

That the said deed from the said Narciso Bourgeat to the said Don Juan Filhiol was filed for record and recorded in the office of the recorder of the parish of Pointe Coupee, in the State of Louisiana, on the 17th of July, 1806; and that said deed together with a certificate of recordation are as follows, said deed being in the French language, but here translated into the English language, to wit:

I, the undersigned, Narciso Bourgeat, retroceded by these presents to Mousieur Juan Filhiol, a piece of land three leagues front and

one in depth, situated on the Bayou Darquelou, and one also of a league square, situate at the source of the hot water of the Ou-chita, the which lands he sold to me by deed given before Dou Vincente Fernandez Texeir, commandant at that time at said Ou-chita, and which I return to him for the same price and sum which he had parted with to me and which he has reimbursed me, and therefore I hold him released in order that he may enjoy it, appertaining as his right, in behalf of which I have signed at Pointe Coupee the seventeenth day of July, one thousand eight hundred and six.

(Signed)

NARCISSO BOURGEAT.

I certify that the presented retrocession has been made in my presence the same day as that above.

(Signed)

J. POYDRAS,
Judge of the Court of Pointe Coupee.

The plaintiffs further state that at the time said Filhiol executed said deed to the land in question to said Bourgeat he, in accordance with the requirments of the Spanish law, actually produced 9 before Vincente Fernandez Texeir and then and there actually delivered to said Bourgeat all his title papers, including the certificate of survey, figurative plan, procès verbal, grant, etc., the same having been found to be valid, and when said retrocession was made all the title papers were produced before the officer by whom the deed was witnessed, and were actually delivered to the said Filhiol.

Plaintiffs further state that their said ancestor, the said Don Juan Filhiol, in the year 1819 leased the said hot springs to one Dr. Stephen P. Wilson for five years, and that shortly after making the said lease to the said Wilson, to wit, in the year 1821, the said Filhiol died, as aforesaid, and since the death of their said ancestor plaintiffs have always urged their title to said property and employed agents and attorneys to do so for them, but that during a large part of this interval they have been embarrassed by the want of the said original grant for said land, the same having, without the knowledge of the said heirs of said Filhiol, been in the hands of one Resin P. Bowie, a distinguished lawyer, who made a specialty of Spanish grants and after whose death, in 1843, the grant was mislaid; that often and repeated searches were made by the said plaintiffs for said grant, but that they failed to find it; that lately, to wit, *that on or about the — day of —, 1883*, said original grant from said Don Estevan Miro, the Spanish governor general of the province of Louisiana, to the said Don Filhiol was found by Mrs. Matilda E. Moore, of Orleans parish, Louisiana, among the effects of her mother, who was the widow of the said Resin P. Bowie, and that said grant was delivered by said Matilda E. Moore to 10 Margaret A. Muse, who was a daughter of Narcisso Bourgeat and Marie Barbe Filhiol and a grand-daughter of Don Juan Filhiol, in the year 1883; that printed copies of the affidavits of Matilda E. Moore, Ellen M. Coates, and Margaret Adelaide Muse and Hippolite Filhiol as to the finding and delivery of said original

grant and certificate of measurement or survey of the said Carlos Trudeau, marked 1, 2, 3, and 4, are attached hereto and filed herewith.

That said Don Juan Filhiol at the time of his death was and for more than forty years theretofore he had been a citizen and inhabitant of the Territory of Louisiana, and by virtue of the several grants and instruments of writing hereinbefore set out the said Don Juan Filhiol had become the owner and at the time of his death was the owner and in possession of a league of land, being a tract of about three miles square, embracing all the hot springs in the city of Hot Springs, Garland county, Arkansas, and including a parcel of land for which the plaintiffs bring this suit and which, for convenience, is hereinafter designated as the land in controversy, the same being that on which the bath-house "Independent" is situated, on the permanent reservation at Hot Springs, Arkansas, described as follows: Bath-house site No. 8 on the plan formulated and filed in the Interior Department by the superintendent of the Hot Springs reservation on the 12th day of May, 1891 (numbered 1162), commencing thirty (30) feet northerly from station 8 on said plan on the front bath-house line and running thence northerly along said line one hundred (100) feet to a point thirty (30) feet northerly of station nine (9) on said line, thence easterly seventy-five (75) feet, thence southerly one hundred (100) feet, and thence westerly seventy-eight (78) feet to place of beginning.

11 And for cause of action say that by the fifth amendment of the Constitution of the United States and the third article of the treaty of the United States of America and the Republic of France, which was ratified on the 21st day of October, 1803, the United States undertook and agreed to maintain the said Don Juan Filhiol and his heirs in their right and title to the land in controversy and their full enjoyment of the same, but, in violation of the provisions of said treaty and without due process of law and in violation of the fifth amendment of the Constitution of the United States, defendants did, without condemnation and without compensation to plaintiffs, on or about the second day of January, 1897, wrongfully and without right, oust the plaintiffs from the possession of the land in controversy, and for more than two years last past have held possession and they now hold possession of the land in controversy wrongfully and without right, and they refuse to surrender possession of the same to plaintiffs.

The land and building in controversy are of the value of fifteen thousand dollars, and the rent thereof, with the buildings thereon, is of the value of two thousand dollars per annum.

Wherefore plaintiffs pray judgment for possession of said land in controversy and for five thousand dollars rent thereof, as damages, and for other relief.

(Signed)

W. S. AND F. L. McCAIN,
Att'ys for Complainant.

Filed and writs issued October 9th, 1899.

W. P. FEILD, Clerk.

12

EXHIBIT Z.

Retrocession de terre de N'se Bourgeat a Filliole (J'n), 17 Juillet 1806.

Je soussigné Narcisse Bourgeat retrocéde par ce présent à Monsieur Jean Filhiol une tene de trois liens de face et une de profondeur situeé sur le bayou darquelon, et une idem d'une lien en quarré situeé a la source d'eau chandieu ouchita, lesquelles terres il m'a vendu par acte, passé par devant Don Vincent Fernandes, texeirs commandant pour lois an dit Ouchita, et que je lui revends pour le même prix et somme qu'il me lésavait laissé, et qu'il m'a remboursé et pourquoi, je le tiens quitte pour qu'il en joueffe comme d'un lien à lui appartenant enfoi de quoi j'ai signé à la Coupée, le dixsept Juillet, mille huit cents six.

(Signed)

NARCISSE BOURGEAT.

Je certifie que la presente rétrocession a été faite en ma présence le même jour et an que dessu.

(Signed)

J. POYDRAS,
Juge du Comte de la Pte. Coupée.

13 STATE OF LOUISIANA, }
Parish of Pointe Coupée. }

I, A. L. Jewell, d'y clerk of court and d'y recorder of conveyances, mortgages, and other acts in and for the parish and State aforesaid, do certify that the foregoing is a true and correct copy of the original act of retrocession of land on file and of record in my office.

Witness my official signature and the seal of office this 28th day of June, 1899.

[SEAL.]

[Stamp.]

A. L. JEWELL,
D'y Clerk of Court.

14 R. A. Young, clerk of the fifth district court, Monroe, La.

MONROE, LA., July 27th, 1899.

S. L. Crissy, Esq., 1426 Mass. Ave., Washington, D. C.

DEAR SIR: I enclose certified copy of deed from John Filhiol to Narcisse Bourgeat, and have to state that the reason why the deed was not placed of record until 1833, there was no one in charge of the records who could read and write French and Spanish; as I concluded from an original petition to the police jury posted in front pages of Conveyance Book "Z" of this office setting forth the fact that about three hundred deeds remained in recorder's office unrecorded, dating from 1787 to 1805, from which latter date appears to be the first recording of titles, &c., and concludes with a prayer asking that the police jury make an appropriation to purchase a record book and employ a French and Spanish scholar to record the deeds, as most of them are written in French and Spanish, which was accordingly done in June, 1833, as shown by endorsement on deed.

Yours truly,

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R. A. YOUNG.

15

EXHIBIT X.

Vta. de una Legua de tena de Dn. Juan Filhiol a Dn. Narciso Bourgeat en 25 de Nove. de 1803.

Sepan quantos esta carta vieren como yo Dn. Juan Filhiol capn. de exto y comandante de Milicias de este Puesto qe. otorgo qe. vendo realmente y con efecto à Dn. Narciso Bourgeat Gratis. mi hierno, y vecino de este distrito una tierra de Ochenta y quatro Arpanes de frente y quarenta y dos de profundidad à cada lada del Rio Llanado de la Source d'eau chaude, distante de su entrada en el del Ouachita como de Dos Leguas teniendo el manantial de Aguas calientes por centro, corriendo sus limités a la profundidad Leste, Oeste, Paralelos, Limitrofe pr. ambos lados contierras realengas, la misma qe. me pertenece pr. aver la obtenido de convecion del Sor. Dn. Estevan Miro Gobernador de estos provincias entouces, en fecha de Doze de Diziembre del año de Mil setecientos Ochenta, y siete y vela vendo al ante dicho con todas sus entradas y salidas usos costumbres dros y servidumbres libre de todo gravamen è hipoteca en el prico de Mil y Dos cientos pesos fuertes qe. me ha pagado de contado de cuya cantidad me doy por entregado a mi voluntad, y por no ser de presente la entrega renuncio la ecepcion de la non numerata pecunia y otorgo formal recivo, mediante lo qual me aparto y separo del dio de

16 propiedad posesion util Dominio y Señorio qe. adha tierra tierra avia y tenia, y todo lo cedo renuncio, y traspaso en el comprador y en qui. su causa y dho huviere pr. qe. como propio suyo la posea venga cambie ó enagene à su voluntad pr. esta escritura qe. à su favor otorgo en señal de Real entrega, conlo qe. ha de ser visto aver adquirido su posesion sinque necesite de otra prueva de que lo relevo, y me obligo ola evicion seguridad y saneamiento de esta venta en toda forma de dio con mis bienes avidos y pr. aver doy aqui pr. incerta la clausa la quarentigia, y renuncio las Leyas de mi favor con la gral enufma y estando presente al otorgamiento de esta escritura Yo el referido Dn. Narciso Bourgeat la acepto a mi favor recibiendo comprada oha tierra en la cantidad y con formalidad qe. me va vendida de ella me doy pr. entregado a mi voluntad, y otorgo formal recivo; Eu cuyo testimonio es fecha la carta en el Puesto de Ouachita a los viente y cinco Dias del mes de

17 Noviembre del año de Mil ochocientos y tres. Yo Dn. Vizte.

Fern³. Texeiro Tente. del regimto. Infanteria de la Louisiana y comandante. Militar y Politico de este Puesto y su Jurisdicion certifico conouzeo a los otorgantes qe. firmaron sieudo testigos de asistencia el Sor. Barou de Bastrop y Dn. Josef Pomet en presencia de Dn. Alejandro Breard, Dn. Carlos Bettin, y Dn. Franco. Cavet todos de este vecindario-entre reriglones-Cavet-vale-Bettin-rayado-no vale.

NARCISSE BOURGEAT.

JUAN FILHIOL.

Ante mi comandante.

BARON DE BASTROP.

JN. POMET.

VIZTE. FERN³. TEXEIRO.

Endorsement.

John Filhiol
t-
Narcisse Bourgeat. } No. 117. 1803. Oud.

STATE OF LOUISIANA, }
Parish of Ouachita. }

I, Louis F. Lang, parish judge in & for said parish and State, do hereby certify the within to be duly recorded in my office in Record Book L, folio 170.

Given under my hand and seal of office on this 24th day of June, A. D. 1833.

LEWIS F. LANG,
Parish Judge.

18 STATE OF LOUISIANA, }
Parish of Ouachita. }

I hereby certify that the above and foregoing is a true and complete copy of the original deed, with endorsement thereon, now on file in my office and of record in Notarial Book Z, page 170, of the records of my office.

Witness my signature and seal of office this 27th day of July, A. D. 1899.

R. A. YOUNG,
[SEAL] Clerk Fifth Dist. Court and ex Officio Recorder.
(Stamp.)

19 EXHIBIT NO. 1.

STATE OF LOUISIANA, }
Parish of Orleans. }

Mrs. Matilda E. Moore, widow of Joseph H. Moore, of the above parish and State, being duly sworn, deposes and says that she was born at Opelousas, Louisiana, August 15th, 1817, and is a daughter of Resin P. Bowie, deceased, who was a land agent versed in the practice and prosecution of Spanish and French land claims. Deponent further declares that she heard her father and James Fort Muse, husband of Mrs. Margaret A. Muse, one of the heirs of Don Juan Filhiol, speak together about the claim the heirs of said Filhiol have to Hot Springs, in Arkansas; that she knows the said heirs for many years claimed and attempted to establish their right to said property. Deponent further declares that her father, said Resin P. Bowie, died about the year 1841, and that he left a large number of papers relating to said land claims; that after his death parties applied to her mother and herself for documents relative to the Hot Springs claim of the Filhiol heirs; that search was made among her father's papers for them, but without success; that the greater part of her father's papers relating to land claims were taken possession of and carried off by one John Wilson, who had been interested with her father in the prosecution of said land claims, and

she was under the impression the Hot Springs papers were among those carried off by Wilson. Deponent further declares that her mother, widow of said Resin P. Bowie, died about August 25th, 1875; that after her death, while looking over her effects, deponent found in an old trunk, containing relics and papers which had belonged to her mother, *she found* a package of papers rolled up 20 in an old newspaper, marked "papers belonging to Mrs. Bowie," which on examining she exclaimed, "Why, here are Mrs. Muse's Hot Springs papers!" Deponent declares said package contained the original grant to said Don Juan Filhiol by Estevan Miro, a certificate of survey signed Carlos Trudeau, and a pen-and-ink sketch or plat of survey and other papers. Deponent further declares that she gave said package of papers to Mrs. Margaret A. Muse, widow of the aforesaid James Fort Muse, some time during the year 1883. Deponent further declares that the pen-and-ink sketch or plat of survey, which accompanied the papers delivered by her to Mrs. Muse, was similar in appearance to the plats or plans of surveys of French and Spanish grants, and was executed on paper similar in appearance to the paper upon which are written the grant by Miro and the certificate of survey of Trudeau and signed by Carlos Trudeau.

MATILDA E. MOORE.

Sworn to and subscribed before me this 20th day of September, 1889, A. D.

[SEAL.]

FRANK HERBERT,
Notary Public.

EXHIBIT NO. 1½.

STATE OF LOUISIANA, }
Parish of Orleans. }

Mrs. Matilda E. Moore, a resident of the above parish and State, being duly sworn, deposes and says she has sufficient knowledge of the Spanish language to know the purport of a grant written in that language, and that she is familiar with the form and appearance of land grants made by the French and Spanish governments, having seen a number of them in the possession 21 of her father while he was engaged in attending to land claims.

MATILDA E. MOORE.

Sworn to and subscribed before me this 5th day of October, 1889.

[SEAL.]

FRANK HERBERT,
Notary Public.

EXHIBIT NO. "2."

STATE OF LOUISIANA, }
Parish of Orleans. }

Mrs. Ellen M. Coates, widow, a resident of the city of New Orleans, being duly sworn, deposes and says she is a daughter of

James Fort Muse and Margaret A. Bourgeat and a great-grand-daughter of Don Juan Filhiol, who was commandant of the post of Ouchita from 1783 to 1800, and to whom Don Estevan Miro, governor of the province of Louisiana, made a grant in 1788 of a league square of land in the district of Arkansas, so as to include the hot springs. Deponent further declares that Don Juan Filhiol and his heirs, after his death in 1821, always claimed said land as theirs under the aforesaid grant; that for more than fifty years the heirs have made continual efforts to obtain possession of said property and to establish their rights, employing skilled agents and attorneys for that purpose—among other agents, one Resin P. Bowie, who died about the year 1841. Deponent further declares that the original grant papers for the aforesaid property were mislaid or suppressed until the year 1883, when one Mrs. Matilda E.

22 Moore, widow, resident of the city of New Orleans, and a daughter of the aforesaid Resin P. Bowie, delivered to deponent's mother, Mrs. Margaret A. Muse, the said grant papers, saying she had found them in an old trunk in which her mother, widow of the said Bowie, had kept her private and family relics. Deponent further declares that the *the* claim of the said Filhiol heirs is based on a complete grant; that up to the year 1870 the claimants for land in Arkansas under complete grants had no way of proceeding against the United States, either in court or before the Land Department, as allowed in other States by divers acts of Congress; that by act of Congress approved June 11, 1870, entitled "An act in relation to the Hot Springs reservation in Arkansas," but ninety days were allowed claimants in which to file suits in the Court of Claims, while in other States years were allowed; that during the time allowed by the aforesaid act one Thomas S. Drew, of Arkansas, was the agent of the heirs of Filhiol; that he obtained many documents and papers relating to their claim from them, but he failed either to file suit in the Court of Claims or to bring their claim to the notice of Congress; that without notice to the heirs he summarily abandoned their case, and they have never been able to recover the papers placed in his hands, he having left Arkansas; that after his defection and after the expiration of the time allowed by the aforesaid act, in October, 1873, the claim was placed in the hands of Judge W. J. Q. Baker, of Monroe, who after taking a large amount of testimony and attempting to obtain legislative action by Congress, which he asserted was prevented by the opposition of the suitors for the same property, then in the Court of Claims, and the expiration of the session of Congress, either abandoned the case or died while prosecuting it.

23 Deponent further declares that since the recovery of the original grant papers in 1883, the want of which has always been asserted to be the stumbling-block in establishing the claim, she has been acting for her mother, whose great age has prevented her taking any active part in attending to this claim, and has made every effort to procure the necessary legal assistance to prosecute it; that she has submitted the papers to several lawyers for examination, with the view of placing the claim in their hands for prosecu-

tion, but, on account of her moderate means, without success until the present year; that the numerous heirs of Don Juan Filhiol are scattered in Louisiana, Mississippi, Texas, and Mexico; that the necessity of unity of action on their part, the great distance separating them, and the difficulty in communicating with them, together with the lack of means to obtain legal assistance, has caused the apparent delay in the application for relief, and it was only in the present year that her present attorney informed her that the Congress of the United States would grant the heirs, upon a proper showing, the same facilities allowed to other claimants to prosecute their rights in the courts of the country.

ELLEN M. COATES.

Sworn to and subscribed before me this nineteenth day of September, 1889, A. D.

[SEAL]

FRANK HERBERT,
Notary Public.

24

EXHIBIT NO. 3.

STATE OF LOUISIANA, }
Parish of Orleans. }

Mrs. Margaret Adelaide Muse, widow, of the above parish and State, being duly sworn, deposes and says she was born December 5th, 1803, and is the daughter of Narciso Bourgeat Mare Barbe Filhiol and a grand-daughter of Don Juan Filhiol, who was a commandant of the post of Ouchita from 1783 to 1800, and to whom Don Estevan Miro, governor of the province of Louisiana, on February 22nd, 1788, made a grant of a league square of land in the district of Arkansas so as to include the hot springs; that she married James Fort Muse, a lawyer, February 22nd, 1821, and that he died January 14th, 1843. Deponent further declares that in 1803 her grandfather, Don Juan Filhiol, sold the tract of land granted as above to her father, Narciso Bourgeat; that in 1806 Narciso Bourgeat retroceded the same land to Don Jean Filhiol. Deponent further declares that the original grant papers to the aforesaid land were lost to the Filhiol heirs until a few years since, when Mrs. Matilda E. Moore, widow, a resident of the city of New Orleans and a daughter of one Resin P. Bowie, who, about the year 1840, had been employed by the Filhiol heirs to prosecute and establish their title to the above land, delivered to opponent the original Spanish grant of Don Juan Estevan Miro and the certificate of survey of Don Carlos Trudeau, royal surveyor of the province of Louisiana, showing the survey by him of the league square of land granted above so as to include the hot springs, in Arkansas, saying she found them in an old trunk, which had not been opened for years, among other relics of her mother, deceased wife of the aforesaid Resin P. Bowie.

25 Deponent declares that prior to the recovery of the original grant papers aforesaid she and the other heirs had used due diligence in prosecuting their rights under said Spanish grant, and had agents and attorneys employed continuously for that pur-

pose for more than fifty years. Deponent declares the documents handed to her by the aforesaid widow Moore consisted of the original grant, the certificate of Trudeau, royal surveyor, and a pen-and-ink sketch or plat of survey and other papers. Deponent further declares that owing to her great age she is unable to take any active steps in pushing the claim for the aforesaid lands and has put the papers in the hands of her daughter, Mrs. Ellen Muse Coates, of New Orleans, for that purpose.

MARGARET A. MUSE.

Sworn to and subscribed before me this 20th day of September, 1889.

[SEAL.]

FRANK HERBERT,
Notary Public.

EXHIBIT NO. 4.

STATE OF LOUISIANA, {
Parish of Ouachita. }

Hippolite Filhiol, of the above parish and State, being duly sworn, deposes and says he is a son of Edmond Landry Grammont Filhiol and a grandson of Juan or Jean Filhiol, who was a Spanish commandant of the post of Ouchita from 1782 to 1800, and to whom was granted by Don Estevan Miro, governor of the province of Louisiana, in 1788, a tract of land one league square, so as to include the hot springs, in the district of Arkansas. Deponent 26 declares that the grant papers to the said land were lost or mislaid for many years; that since the death of Don Juan Filhiol, in 1821, his heirs have made repeated and continued efforts to substantiate their claim to said land, having employed numerous lawyers and agents versed in the land laws and practice to prosecute it, but, owing to the loss of the original grant papers, their said agents have never been able to prosecute their claim to a finality; that these agents, after investigating this claim and obtaining all the supporting evidence in the possession of the heirs, have one after another abandoned its prosecution for the want of the original grant papers from the Spanish government, and that many of the documents placed in the hands of these agents supporting their title the heirs have never been able to recover; that since the expiration of the time allowed by the act of Congress for the institution of proceedings for the hot springs, entitled "An act in relation to the Hot Springs reservation, in Arkansas," approved June 11th, 1870 (U. S. Stats., vol. 16, p. 149), deponent is informed that Mrs. M. A. Muse, one of the heirs of the said Don Juan Filhiol, has recovered the said original grant papers to Don Juan Filhiol which will enable his heirs to substantiate and establish their claim to the said tract of land.

H. FILHIOL.

Sworn to and subscribed before me on this 6th day of September, 1889.

[SEAL.]

ROB'T RAY,
U. S. Commissioner.

27

HIPPOLITE FILHIOL ET AL.

vs.

CHARLES E. MAURICE, CHARLES G. CONVERS, and WILLIAM G. Maurice. }

Bond for Costs.

I hereby bind myself and undertake to pay to the defendants and to the officers of this court and of any other court to which this cause may be carried all costs which shall accrue or be adjudged to them in this action.

(Signed)

S. L. CRISSEY.

Filed October 9th, 1899.

W. P. FEILD, Clerk.

28

UNITED STATES OF AMERICA, }

Western Division of the Eastern District of Arkansas. }

Be it remembered that at a circuit court of the United States of America in and for the western division of the eastern district of Arkansas, begun and holden on Monday, the 23rd day of October, anno Domini one thousand eight hundred and ninety-nine, at the United States court-room, in the city of Little Rock, Arkansas, the Honorable John A. Williams, U. S. district judge, presiding and holding said court, the following proceedings were had, to wit, on November 10th, 1899:

HIPPOLITE FILHIOL ET AL. }
vs. } 5153.
CHARLES E. MAURICE ET AL. }

Come the defendants, by Jacob Trieber, Esq., their attorney, and, by leave of court, file herein their demurrer to complaint; which demurrer is in words and figures following, to wit:

HIPPOLITE FILHIOL ET AL. }
vs. } 5153.
CHARLES E. MAURICE ET AL. }

Now come the defendants and demur to the complaint herein, and for cause assign—

That the allegations in the complaint do not constitute a cause of action.

(Signed)

JACOB TRIEBER,
Attorney for Dfcls.

Filed November 10th, 1899.

W. P. FEILD, Clerk.

29 And on November 16th, 1899, the following proceedings were had, to wit:

HIPPOLITE FILHIOL ET AL. }
 vs. } 5153.
 CHARLES E. MAURICE ET AL. }

Come the plaintiffs, by W. S. and F. L. McCain, Esqs., their attorneys, and come the defendants, by Jacob Trieber, Esq., their attorney; and the demurrer to the complaint heretofore filed herein being now submitted to the court, and the court being sufficiently advised, doth sustain the demurrer; to which ruling plaintiff excepts; and, the plaintiffs electing to stand on their complaint and declining to amend—

It is considered and adjudged that the complaint be, and the same is hereby, dismissed, and that defendants go hence without day and recover of and from the plaintiffs all their costs herein expended and have execution therefor.

(Signed)

JNO. A. WILLIAMS, *Judge.*

30 And on February 12th the following proceedings were had, to wit:

HIPPOLITE FILHIOL ET AL. }
 vs. } 5153.
 CHAS. E. MAURICE ET AL. }

Come the plaintiffs, by W. S. and F. L. McCain, Esq., their attorneys, and, by leave of court, file herein their assignment of errors, and also their prayer for writ of error to the Supreme Court of the United States, which is granted.

Which assignment of errors is in words and figures following, to wit:

Supreme Court of the United States, October Term, 1900.

HIPPOLIOT FILHIOL ET AL. }
 vs. }
 CHARLES E. MAURICE ET AL. }

And now come Hippolite Filbiol, Francis J. Watts, Harriet L. Watkins, Hattie S. Burch, Rowland M. Filhiol, Jerome Bres, Bendette H. Bres, James L. Sanford, Julia M. Watts, Mary A. Watts, Hardy Filbiol, Hippolite Bres, Alberta D. Sanford, Mrs. Ellen M. Coates, Andre A. Rowland, Julia M. Dabbs, Louis St. Claire Horton, and Eugene and Cecil Muse, by their mother and next friend; Frank C. Bres, Ferdinand A. Fenner, Blanche F. Power, Robert W. Fenner, and Margaret A. Horton Campbell, Lizzie S. Cochran, and Robert R. Sanford, Mary A. Bres, Ellen M. Parker, George B. Muse, and Mary L. Muse, Malvina R. Muse Bowman, Bessie Muse and James Fort Muse, Mary E. Behen, Alice F. South, Victoria A. Horton Bartholomew, Frederick Horton, and Joseph E. J. Muse, by their counsel, W. S. and F. L. McCain, and respectfully represent that they feel themselves aggrieved by the judgment of the

31 circuit court for the western division of the eastern district of Arkansas and assign error thereto as follows:

1. The court erred in holding that the grant made to Don Juan Filhiol and the figurative plan, process verbal, and survey and certificate of the surveyor general set forth in the complaint of the plaintiffs in error did not vest in the said Filhiol a legal and equitable title to the land in controversy, which was guaranteed and protected by the provisions of the treaty between the United States and France ratified on the twenty-first day of October, 1803.

2. The court erred in holding that the said treaty did not guarantee and protect the said title.

3. The court erred in holding that the deed from Narciso Bourgeat and said Don Juan Filhiol, executed July 17th, 1806, did not reconvey the legal and equitable title to said Filhiol.

4. The court erred in holding that the said Don Juan Filhiol and the plaintiffs in error, his only heirs-at-law, could be deprived of the title and possession of the said lands by the United States and their agents without due process of law.

5. The court erred in holding that the said Don Juan Filhiol and the plaintiffs in error, his only heirs-at-law, could be deprived of the title and possession of the said lands by the United States or their agents without making compensation therefor.

6. The court erred in holding that this action was barred by any statute of limitations enacted by the State of Arkansas or the United States.

7. The court erred in holding that this action was barred by the provisions of the act of Congress approved on the 11th day of July, 1870 (16th Stat., 149).

8. The court erred in holding that this action was barred by the laches of the said Don Juan Filhiol or laches of the plaintiffs in error.

9. The court erred in sustaining of the complaint of the plaintiffs in error and in dismissing the said complaint.

10. The court erred in not overruling the demurrer and giving judgment to the plaintiffs in error.

Wherefore the said plaintiffs in error pray this honorable court to examine and correct the errors assigned and for the reversal of the judgment of the circuit court of the United States for the western division of the eastern district of Arkansas in the above-entitled cause.

(Signed)

W. S. AND F. L. McCAIN,
Attorneys for Plaintiffs in Error.

Filed February 12th, 1900.

W. P. FEILD, *Clerk.*

Which petition for writ of error is in the words and figures following to wit:

33

HIPPOLITE FILHIOL ET AL. }
vs.
CHARLES E. MAURICE ET AL. }

And now come Hippolite Filhiol, Francis J. Watts, Harriet L. Watkins, Hattie S. Burch, Rowland M. Filhiol, Jerome Bres, Bene-

detlef H. Bres, James L. Sanford, Julia M. Watts, Mary A. Watts, Hardy H. Filhiol, Hippolite Bres, Alberta D. Sanford, Mrs. Ellen M. Coates, Andrae A. Rowlan, Julia M. Dabbs, Louis St. Clare Horton, and Eugene and Cecil Muse, by their mother and next friend; Frank C. Bres, Ferdinand A. Fenner, Blanche F. Power, Robert W. Fenner, and Margaret A. Horton Campbell, Lizzie S. Cochran, and Robert R. Sanford, May A. Bres, Ellen M. Parker, George B. Muse, and Mary L. Muse, Milvina R. Muse Bowman, Bessie Muse, James Fort Muse, Mary E. Belien, Alice F. South, Victoria A. Horton Bartholomew, F. Frederick Horton, and Joseph E. J. Horton Muse, and, conceiving themselves aggrieved by the judgment entered herein on the sixteenth day of November, 1899, do hereby pray that writ of error be allowed for the said judgment, returnable to the Supreme Court of the United States, and that a transcript of the record and proceedings and papers upon which said judgment was made, duly authenticated, may be sent to the Supreme Court of the United States.

And they present herewith their assignment of errors.

(Signed) **W. S. AND F. L. McCAIN,**
Attorneys for Plaintiffs in Error.

And now, to wit, on the 12th day of Feb'y, 1900, it is ordered that the writ of error be allowed as prayed for.

(Signed) JNO. A. WILLIAMS,
Circuit Judge.

34 Filed February 12th, 1900.

W. P. FEILD, Clerk.

35-38 And on February 24th, 1900, the following proceedings were had, to wit:

HIPPOLITE FILHIOL ET AL. }
 vs. } 5153.
 CHARLES E. MAURICE ET AL. }

Come the plaintiffs, by W. S. & F. L. McCain, Esqs., their attorneys, and file herein their appeal bond to the Supreme Court of the United States in the sum of five hundred dollars, which is by the court approved.

Which bond is in words and figures as follows:

39 & 40 And on March 6th, 1900, the following proceedings were had, to wit:

HIPPOLITE FILHIOL ET AL. }
vs. } 5153.
CHARLES E. MAURICE ET AL. }

Come the plaintiffs, by W. S. and F. L. McCain, Esqs., their attorneys, and file herein their writ of error and citation to the Supreme Court of the United States, which are signed, sealed, and allowed by the court.

Which citation is as follows:

40

UNITED STATES OF AMERICA,
Western Division of the Eastern District of Arkansas. }

I, W. P. Feild, clerk of the circuit court of the United States for the western division of the eastern district of Arkansas, in the eighth circuit, hereby certify that the foregoing writings annexed to this certificate are true, correct, and compared copies of the originals remaining of record in my office, and constitute a true copy of the record and of the assignment of errors and of all proceedings in case of Hippolite Filhiol *et al. vs. Charles E. Maurice et al.*

The Seal of the Circuit
Court, Western Di-
vision of East. Dist.
Ark., U. S. A.

In witness whereof I have hereunto set my hand and the seal of said court this seventh day of March, in the year of our Lord one thousand nine hundred, and of the Independence of the United States of America the one hundred and twenty-fourth.

Attest:

W. P. FEILD, Clerk.

Transcript fee, \$11.00.

{ Ten-cent U. S. internal-revenue stamp, canceled 3, 7, 1900. }
{ W. P. Feild, clerk. }

41

UNITED STATES OF AMERICA,
Western Division of the Eastern District of Arkansas. }

Be it remembered that at a circuit court of the United States of America in and for the western division of the eastern district of Arkansas, begun and holden on Monday, the 24th day of October, anno Domini one thousand eight hundred and ninety-nine, at the United States court-room, in the city of Little Rock, Arkansas, the Honorable John A. Williams, district judge, presiding and holding said court, the following proceedings were had, to wit, on April 2, 1900:

HIPPOLITE FILHIOL ET AL. }
vs. } 5153.
CHAS. E. MAURICE ET AL. }

Come the plaintiffs, by W. S. and F. L. McCain, Esqs., their attorneys, and file herein their corrected citation to the defendants, which is signed and sealed by the court.

Which citation is in the words and figures following, to wit:

42 The United States of America to Charles E. Maurice, Charles G. Convers, and William G. Maurice, Greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at Washington, within thirty days from the date hereof, pursuant to a writ of error filed in the clerk's office of the circuit court of the United States for the western division, eastern district of Arkansas, wherein Hippolite Filhiol and others are plaintiffs in error and you are defendants in error, to show cause, if any there be, why the judgment rendered

against the said plaintiffs in error, as in the said writ of error mentioned, should not be corrected and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable John A. Williams, judge of the district court, this 2nd day of April, A. D. 1900.

{ The Seal of the Circuit Court, Western Division of
East. Dist. Ark., U. S. A. }

JNO. A. WILLIAMS,
U. S. District Judge, Eastern District of Arkansas.

Service of this citation is acknowledged April 2, 1900.

JACOB TRIEBER,
U. S. Attorney.

Endorsed: Filed April 2, 1900. W. P. Feild, clerk.

43 UNITED STATES OF AMERICA,
 Western Division of the Eastern District of Arkansas. }

I, W. P. Feild, clerk of the circuit court of the United States for the western division of the eastern district of Arkansas, in the eighth circuit, hereby certify that the foregoing writing annexed to this certificate is a true, correct, and compared copy of the original remaining of record in my office of the entry, the original corrected citation in case of Hippolite Filhiol *et al.* vs. Chas. E. Maurice *et al.*

In witness whereof I have hereunto set my hand and the seal of Western Division of East. said court this 2nd day of April, in Dist. Ark., U. S. A. the year of our Lord one thousand nine hundred, and of the Independence of the United States of America the one hundred and twenty-fourth.

Attest:

W. P. FEILD, Clerk.

{ Ten-cent U. S. internal-revenue stamp, canceled }
{ 4, 2, 1900. W. P. Feild, clerk. }

44 [Endorsed:] File No., 17,734. Supreme Court U. S., October term, 1899. Term No., 620. Hippolite Filhiol *et al.* vs. Chas. E. Maurice *et al.* Certified copy of corrected citation. Office Supreme Court U. S. Filed May 1, 1900. James H. McKenney, clerk.

45 DISTRICT OF COLUMBIA, ss:

21ST DAY OF FEBRUARY, A. D. 1900.

James L. Pugh, Jr., surety in the within recognizance, being duly sworn, says that he is worth over and above all his debts and liabilities the sum of five hundred dollars.

(Signed)

JAMES L. PUGH, JR.

Subscribed and sworn to before me this 21st day of February, 1900.

[SEAL.]

JOSEPH HARPER,
Notary Public in and for the District of Columbia.

46 DISTRICT OF COLUMBIA, ss:

20th DAY OF FEBRUARY, A. D. 1900.

S. L. Crissey, surety in the within recognizance, being duly sworn, says that he is worth, over and above all his debts and liabilities, the sum of five hundred dollars.

(Signed)

S. L. CRISSEY.

Subscribed and sworn to before me this 21st day of February, 1900.

[SEAL.]

JOSEPH HARPER,
Notary Public in and for the District of Columbia.

47 Know all men by these presents that we, S. L. Crissey and James L. Pugh, Jr., are held and firmly bound unto Charles E. Maurice, Charles G. Convers, and William G. Maurice in the full and just sum of five hundred dollars, to be paid to the said Charles E. Maurice, Charles G. Convers, and William G. Maurice, their heirs, executors, administrators, or assigns; to which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents.

Sealed with our seals and dated this twenty-first day of February, in the year of our Lord one thousand nine hundred.

Whereas lately, at the October term, A. D. 1899, of the circuit court of the United States for the western division of the eastern district of Arkansas, in a suit depending in said court between Hippolite Filhiol *et al.*, plaintiffs, and Charles E. Maurice, Charles G. Convers, and William G. Maurice, defendants, a judgment was rendered against the said Hippolite Filhiol *et al.* and the said Hippolite Filhiol *et al.* have obtained a writ of error of the said court to reverse the judgment in the aforesaid suit and a citation directed to the said Charles E. Maurice, Charles G. Convers, and William G. Maurice, citing and admonishing them to be and appear in the United States Supreme Court, at the city of Washington, D. C., on the second Monday in October next:

Now, the condition of the above obligation is such that if the said Hippolite Filhiol *et al.* shall prosecute said writ of error to effect and answer all damages and costs if they fail to make good their plea, then the above obligation to be void; else to remain in full force and virtue.

Sealed and delivered in presence of—

S. L. CRISSEY.

JAMES L. PUGH, JR.

[SEAL.]

[SEAL.]

Approved by—

JNO. A. WILLIAMS,
U. S. Dist. Judge.

Endorsed: Filed Feb'y 24, 1900. W. P. Feild, clerk.

48

UNITED STATES OF AMERICA,
Western Division of the Eastern District of Arkansas. }

I, W. P. Feild, clerk of the circuit court of the United States for the western division of the eastern district of Arkansas, in the eighth circuit, hereby certify that the foregoing writing annexed to this certificate is a true, correct, and compared copy of the original remaining of record in my office of the bond and affidavits on appeal in case of *Hippolite Filhiol et al. vs. Chas. E. Maurice et al.*

In witness whereof I have hereunto
 The Seal of the Circuit Court, set my hand and the seal of said court
 Western Division of East. this 23rd day of April, in the year of
 Dist. Ark., U. S. A. our Lord one thousand nine hundred,
 and of the Independence of the United
 States of America the one hundred and twenty-fourth.

Attest:

W. P. FEILD, Clerk.

{ Ten-cent U. S. internal-revenue stamp, canceled }
 4, 23, 1900. W. P. Feild, clerk.

49 [Endorsed:] File No., 17,734. Supreme Court U. S., October term, 1899. Term No., 620. Hippolite Filhiol *et al.*, P. E., vs. Chas. E. Maurice *et al.* Certified copy of corrected bond. Office Supreme Court U. S. Filed May 1, 1900. James H. McKenney, clerk.

50 Supreme Court of the United States, October Term, 1900.

HIPPOLITE FILHIOL ET AL., Plaintiffs in Error, }
 vs. } No. 263.
 CHARLES E. MAURICE ET AL. }

It is hereby stipulated and agreed that the bond, at page 36, and citation, on page 40, of the record in the above-entitled case be omitted in printing said record.

JAMES L. PUGH, JR.,
Counsel for Plaintiffs in Error.
 J. K. RICHARDS,
Solicitor General, Counsel for Defendants in Error.

51 [Endorsed:] File No., 17,734. Supreme Court U. S., October term, 1900. Term No., 263. Hippolite Filhiol *et al.*, P. E., vs. Charles E. Maurice *et al.* Stipulation to omit parts of record in printing. Filed August 22, 1900.

Endorsed on cover: File No., 17,734. E. Arkansas C. C. U. S. Term No., 263. Hippolite Filhiol *et al.*, plaintiffs in error, vs. Charles E. Maurice, Charles G. Convers, and William G. Maurice. Filed May 1st, 1900.